

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY SETTLES,
Petitioner,
vs.
THE SIXTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING,
Respondent,
and
ROBERT LEGRAND, WARDEN,
Real Party in Interest.

No. 62779

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

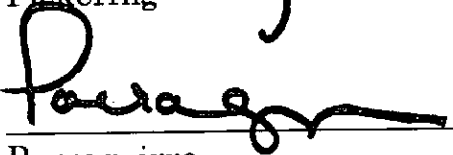
This is a proper person petition for a writ of mandamus seeking an order directing the district court to resolve petitioner's motion for summary judgment in his pending civil rights action.


Having considered the petition and supporting affidavit, we decline to exercise our discretion to intervene in the district court action by way of extraordinary writ relief. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (explaining that a writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that it is within this court's discretion whether to consider a writ petition). While we understand petitioner's concern as to the delay in resolving his motion for summary judgment, we

are confident that the district court will resolve the motion as quickly as its docket permits, if it has not done so already. Accordingly, we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

_____, J.
Pickering

_____, J.
Parraguirre

_____, J.
Saitta

cc: Jeremy Settles
Attorney General/Carson City
Pershing County Clerk